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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE, Chairman
BOB STUMP
ROBERT BURNS
TOM FORESE
ANDY TOBIN

RECEIVED

2016 APR 22 P 12:15

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
RIO VERDE UTILITIES, INC., TO EXTEND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY FOR WATER SERVICE TO SERVE
PORTIONS OF RIO VERDE UNITS TEN AND
ELEVEN.

DOCKET NO. WS-02156A-14-0401

COMPLIANCE FILING

1 As required by Decision No. 75091, Rio Verde Utilities hereby filed a copy of a
2 Maricopa County franchise agreement covering the approved extension area

3 **Respectfully submitted** on April 22, 2016, by:

4 

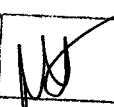
5 Craig A. Marks
6 Craig A. Marks, PLC
7 10645 N. Tatum Blvd., Suite 200-676
8 Phoenix, AZ 85028
9 (480) 367-1956
10 Craig.Marks@azbar.org
11 Attorney for Rio Verde Utilities, Inc.

12
13
14 **Original and 13 copies filed**
15 on April 22, 2016, with:

16
17 Docket Control
18 Arizona Corporation Commission
19 1200 West Washington
20 Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

APR 22 2016

DOCKETED BY	
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COUNTY OF MARICOPA
State of Arizona

Office of the Clerk
Board of Supervisors

State of Arizona)
County of Maricopa)

ss.

I, Fran McCarroll, Clerk of the Board of Supervisors, do hereby certify that the following is a true and correct statement of the agenda item and the action taken by the Board of Supervisors at their meeting held on March 9, 2016.

7. PUBLIC SERVICE FRANCHISE FOR RIO VERDE UTILITIES, INC.

Pursuant to A.R.S. §40-283, convene the scheduled public hearing, to solicit comments and consider the application by Rio Verde Utilities, Inc., for a public service franchise to expand domestic water distribution system, irrigation water distribution system and sewage system to the residents of northern portion of Section 7, Township 4 North, Range 7 East of the Gila and Salt River Base and Meridian, residing in Maricopa County. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Upon Board approval, authorize the Chairman to sign the Franchise Resolution. (C-06-16-325-7-00)

Motion to approve by Supervisor Chucuri, seconded by Supervisor Kunasek

Ayes: Chucuri, Hickman, Barney, Kunasek, Gallardo



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on April 11, 2016.

Fran McCarroll
Clerk of the Board of Supervisors

BEFORE THE BOARD OF SUPERVISORS
OF

MARICOPA COUNTY, STATE OF ARIZONA

IN THE MATTER OF THE APPLICATION OF)

Rio Verde Utilities, Inc.)

FRANCHISE)

FOR A FRANCHISE)

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, STATE OF ARIZONA, THAT:

WHEREAS, Rio Verde Utilities, Inc. hereinafter designated as the Grantee, doing business in Maricopa County, Arizona, submitted an application bearing date of December 10, 2015, praying for the right, privilege, license and franchise to construct, maintain and operate all necessary equipment along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State Highways) for the supplying of domestic water distribution system, irrigation water distribution system and sewage system for a period not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, within Maricopa County described as the Northern portion of Section 7, Township 4 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows, to-wit:

E ½ S26 T5N R6E

S25 T5N R6E

S36 T5N R6E

E ¼ SE ¼ S35 T5N R6E

S31 T5N R7E

NW ¼ NW ¼ S32 T5N R7E

S6 T4N R7E

N ¼ S7 T4N R7E

and not within the confines of any incorporated city or town, and under such restrictions and limitations and upon such terms as the Board of Supervisors may provide, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation Commission of the State of Arizona, and that the Board take such proceedings herein as is provided by laws of the State of Arizona; and

WHEREAS, upon filing said application, the said Board of Supervisors on February 3, 2016 ordered that public notice of the intention of said Board to make such grants be given by publishing a notice in the official newspaper of Maricopa County, published in the County of Maricopa, State of Arizona, and that 9:30 a.m., on March 9, 2016, at the meeting room of said Board of Supervisors located at 205 West Jefferson Street, in the City of Phoenix, Arizona, be set as the time and place to consider the said application; and

WHEREAS, the said application coming on regularly for consideration on said day and it appearing by the affidavit of the duly authorized agent of the said time and place set for the consideration of such application has been published for at least once a week for the three-week period prior to said date set forth herein, to-wit:

In the issues of the said newspaper on February 11, 2016; February, 18, 2016; and February 25, 2016 and it appearing that no sufficient protest has been filed by the qualified electors of the said County petitioning said Board of Supervisors to deny such license and franchise, and it further appearing the best interests of Maricopa County will be served by the granting of said application and the franchise referred to therein;

NOW, THEREFORE, the Board of Supervisors of Maricopa County, State of Arizona, acting on behalf of said County does hereby grant unto Rio Verde Utilities, Inc. doing business in Maricopa County, Arizona, subject to the terms, conditions and limitations hereinafter contained, the right, privilege, license and franchise to construct, maintain and operate an extension to an existing public franchise, for a period of not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across the public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, hereinabove described, under such restrictions and limitations and upon such terms as this Board at any time may provided, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation Commission of the State of Arizona, specifically providing, however, that:

- 1) All rights hereunder are granted under the express condition that the Board of Supervisors of said Maricopa County shall have the power at any time to impose such restrictions and limitations and to make such regulations on such highways, roads, and thoroughfares as may be deemed best for the public safety, health, welfare and convenience.
- 2) All rights hereby granted shall be exercised so as to not interfere or conflict with any easements or rights-of-way heretofore granted by said Board of Supervisors and now in force.
- 3) All rights hereby granted shall be exercised so as not to interfere or conflict with any easement, either public or private, of whatsoever nature, which has been acquired in or to the proper use of said highway, roads, and thoroughfares, or any portion thereof.
- 4) All rights hereby granted shall be exercised so as not to interfere or conflict with or endanger in any way the proper use by the public of said highways, roads, and thoroughfares, or any portion thereof.
- 5) That the said Grantee shall bear all expenses incurred including damages and compensation for the alteration of the course, direction, surface, grade or alignment of any of the said highways, roads and thoroughfares necessarily made by the said grantee for the purpose of this franchise; that said grantee will maintain his equipment from time to time as may be needed, without the necessity of notice from Maricopa County. In the event the said grantee shall fail to make any repairs within ten days from the time same becomes necessary, then Maricopa County may cause the same to be made, and said grantee agrees to pay Maricopa County the cost thereof.

- 6) That all property of the franchise be installed and operated by the said grantee and shall be placed, removed or relocated, initially and throughout the term of this franchise, along, in, over, under and across the said highway, roads and thoroughfares, in such a manner and location as the Board of Supervisors or its duly authorized agents may designate. Such placement, removal or relocation shall be done at the sole expense of the grantee upon a determination by the Board of Supervisors of Maricopa County that such placement, removal or relocation is necessary.

If the grantee fails or refuses to so remove or relocate, Maricopa County may so remove or relocate, at the sole expense of grantee, such expense to include any and all damages and compensation of whatsoever nature arising therefrom.

In this section the term "property" includes conduits, pipe, wires, poles, or other structures and appliances used to supply or deal in gas, electricity, lights, water, heat, refrigeration, power, telephones, telegraph, television and other public utilities.

Any finding or determination made by the Board of Supervisors pursuant hereto shall be final and binding upon the grantee whether or not such findings or determinations relates to the requirements of public safety or welfare, the use of public roads or the need for proposed improvements, and whether or not the function to be served by such removal or relocation is of a governmental or proprietary nature.

- 7) That said grantee shall indemnify and save harmless, the said County of Maricopa from all costs, expense and liabilities in connection with the granting of this franchise and exercise of the same by them.
- 8) That the rights of any person claiming to be injured in any manner by the maintenance of said projects and equipment shall not be affected hereby.
- 9) That the terms and conditions of this franchise shall inure to the benefit of, and be binding upon, all the heirs and assigns of the said Grantee.
- 10) That the franchise and privilege herein granted shall not be deemed to be exclusive and the said Board of Supervisors hereby expressly reserves the right and power to grant from time to time similar franchises and privileges over the same territory and highways, roads and thoroughfares.
- 11) This franchise is granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months from the date of granting of this franchise and proof thereof submitted to the Board of Supervisors; and if such Certificate is not granted within six months from said date, then this franchise may be declared void. If the Certificate of Convenience and Necessity is not procured from the Corporation Commission within six months from the date of granting of this franchise, the franchisee may submit proof to the Board of Supervisors of application made to the Corporation Commission for the Certificate and the franchisee will be granted a six month extension for the procurement of the Certificate, for a total of twelve months from the date of granting of this franchise.
- 12) That no facilities shall be installed until the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and such Certificate has been delivered to the Board of Supervisors.